

**Wittels
McInturff
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March 20, 2021

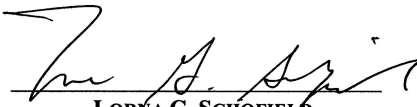
Via ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

By **April 2, 2021**, Defendants shall file a response to this letter not to exceed 3 single-spaced pages.

SO ORDERED.

**Dated: March 26, 2021
New York, New York**


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: *Nichols, et al., v. Noom, Inc., et al.*, No. 20 Civ. 3677 (LGS) (KHP)

Dear Judge Schofield,

Our firm represents eight individual consumer Plaintiffs and proposed classes of consumers throughout the nation who were ensnared by Defendants Noom, Inc. and Artem Petakov's deceptive "negative option" automatic renewal scheme.¹ We respectfully submit this letter motion to seal the confidential information in Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Dismiss the Third Amended Class Action Complaint. In accordance with Rule I.D.3 of this Court's Individual Rules and Procedures for Civil Cases, Plaintiffs have publicly filed at ECF No. 244 a version of their brief that contains proposed redactions of information that Defendants have designated as "confidential" under the applicable protective order, ECF No. 58. As the parties with an interest in the confidential treatment of the redacted information, Defendants bear the burden of explaining why the redactions should be approved.

Contemporaneously with this filing, Plaintiffs are also filing under seal an unredacted copy of their brief. Plaintiffs have highlighted the portions that were redacted in the public version.

Finally, in accordance with Rule I.D.3 included on the next page is an appendix that identifies all parties and attorneys of record who should have access to the sealed version of Plaintiffs' opposition brief.

Thank you for the Court's attention to this matter.

Respectfully submitted,

/s/ Steven L. Wittels
Steven L. Wittels

cc: All counsel of record (via ECF)
Magistrate Judge Katharine H. Parker (via ECF)

¹ The Code of Federal Regulations defines a "negative option" as "an offer or agreement to sell or provide any goods or services, a provision under which the customer's silence or failure to take an affirmative action to reject goods or services or to cancel the agreement is interpreted by the seller as acceptance of the offer." 16 C.F.R. § 310.2(t).

Appendix

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